

REMARKS/ARGUMENTS

Claims 1–20 were pending in the present application. By virtue of this response, claims 11 and 16 have been amended. Accordingly, claims 1–20 are currently under consideration. Amendment of certain claims is not to be construed as a dedication to the public of any of the subject matter of the claims as previously presented. No new matter has been added.

A. Objection to the Drawings

The Examiner objected to drawings because reference to signs “1002, 1004, and 1006” was not included in the figure but were mentioned in the specification. A replacement sheet is attached that includes added reference signs 1002 and 1006, along with corresponding arrows. Reference sign 1004 has been removed from the description, as shown above in amend paragraph [0046].

B. Specification

The Examiner notes that use of the trademark VELCRO should be shown in capitalized letters and be accompanied by the generic terminology. The application has replace “Velcro” with the capitalized “VELCRO®” and its generic description, as shown above in amended paragraphs [0032] and [0045].

C. Claim Rejections under 35 U.S.C. § 112, Second Paragraph

The Examiner rejected claims 11 and 16–20 under 35 U.S.C. § 112, second paragraph, as being indefinite.

1. Claim 11

Claim 11 is presently amended to replace the term “Velco” with its generic equivalent, as shown above. Reconsideration is respectfully requested.

In the drawings

The attached Replacement Sheet includes changes to Fig. 8. The Replacement Sheet includes only Fig. 8. The Replacement Sheet replaces original sheet 5 of 5.

Attachment: Replacement Sheet

2. Claims 16–20

Claim 16 is similarly amended to replace the term “Velco” with its generic equivalent, as shown above. Claims 17–20 each depend on independent claim 16, which is now shown allowable. Reconsideration and allowance of claims 16–20 are respectfully requested.

D. Claim Rejections under 35 U.S.C. § 102(b)

The Examiner rejected claims 1–4 and 11 under 35 U.S.C. § 102(b), as being anticipated by Mohler (US 5,046,204).

1. Claims 1–2

The Examiner states that Mohler shows “a lower edge formed with two feet receiving booties 26, 28”. Mohler does not disclose each of the elements of claim 1. For example, claim 1 recites, in part, “a lower portion, wherein the lower portion forms a pouch having a top opening configured for receiving a pair of feet”. Mohler fails to disclose a “pouch ... configured for receiving a pair of feet”. Mohler only discloses separate booties, each apparently configured for receiving a single foot. Reconsideration and allowance of claim 1 and claim 2, which depends from claim 1, are respectfully requested.

2. Claim 3

Independent claim 3 also recites “a lower portion, wherein the lower portion forms a pouch having a top opening configured for receiving a pair of feet of the child”. For the same reasons for allowability of claim 1, independent claim 3 is also allowable. Reconsideration and allowance of claim 3 are respectfully requested.

3. Claims 4 and 11

Claims 4 and 11 depend on independent claim 3. For at least the reasons for allowability of independent claim 3, claims 4 and 11 are also allowable. Reconsideration and allowance of claims 4 and 11, are respectfully requested.

E. Claim Rejections under 35 U.S.C. § 103

The Examiner rejected claims 5–9 under 35 U.S.C. § 103, as being unpatentable over Mohler (US 5,046,204).

Claims 5–9 ultimately depend from independent claim 3. For at least the reasons stated above for the allowability of claim 3, claims 5–9 are also allowable. Reconsideration and allowance of claims 5–9 are respectfully requested.

F. Allowable Subject Matter

The Examiner is thanked for indicating the allowability of claims and 16–20 and 12–15.

1. Claims 16–20

The Examiner indicated the allowability of claims 16–20 if rewritten to overcome the rejection(s) under 35 U.S.C. § 112, second paragraph. Claim 16 has been rewritten to remove the term “Velcro”. Dependent claims 17–20, which depend from claim 16, no longer contain the recitation of “Velcro”. Reconsideration and allowance of claims 16–20 are respectfully requested.

2. Claims 12–15

The Examiner indicated the allowability of claims 12–15 if rewritten in independent form. At least for the reasons stated above for the allowability of independent claim 11, dependent claims 12–15 are also allowable. Reconsideration and allowance of claims 12–15 are respectfully requested.

CONCLUSION

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding objections and rejections of the claims and to pass this application to issue. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

Dated: February 1, 2005

Respectfully submitted,

By _____

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